

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 15th day of October 2013 A.D. at 7:00 p.m.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Edward A. Roderick-President	William P. Gerlach
	Denise M. deMedeiros-Vice President - Absent	Jay J. Lambert - Absent
	James Arruda	Brett N. Pelletier
	Joan B. Chabot	

Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Roderick read the items on the Consent Agenda, requested removals. Councilor Arruda requested removal of item CA7, Chief Thomas Blakey – Permission to Advertise for Position of Police Officer.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the rest of the Consent Agenda except for CA7. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Minutes Regular Council Meeting September 23, 2013
- b. Approval of Executive Session Minutes September 23, 2013
- c. Approval of Joint Workshop Minutes September 30, 2013

Councilor Gerlach and Councilor Arruda Abstained - Absent

A-2-Receipt of Minutes from the Following Boards, Commissions

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| a. Art's Council | e. Prevention Coalition |
| b. Economic Development Commission | f. Wastewater Management Commission (2) |
| c. Historic Preservation Advisory Board (2) | g. Zoning Board of Review |
| d. Planning Board | |

A-3-Correspondence – Receive and File

- a. Barbara Pelletier - September Meeting Minutes of the Newport Counties Visitors Bureau

A-4-Approval of Tax Assessor Abatements

A-5-Kate Michaud, Planning Board Administrative Officer - September Activities Report

A-6-Distribution of Town Administrator's September Report

A-8-Denise Saurette, Treasurer – August and September Monthly Budget and Revenue Reports

BUSINESS BROUGHT BEFORE THE COUNCIL

CA-7-Chief Thomas Blakey – Permission to Advertise for Position of Police Officer

Councilor Arruda questioned if this was to fill the position of an existing officer or for the academy. Town Administrator Goncalo explained the Police Chief was looking to establish a hiring list, the academy is held in July and January, would be coming to Council if hiring an officer.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve item CA7, Permission to Advertise for Position of Police Officer. Motion passed unanimously.

OPEN PUBLIC FORUM

Donna Cook questioned how the sale of the Seaside Gas Station was handled. President Roderick noted the Council could not comment in this forum. Ms. Cook did not understand why the acquisition of property was handled in closed executive session, why not in open forum, wants it changed; don't know who voted for what. Barbara Pelletier, at the last Council meeting mentioned a Halloween tail gate party, noted School Committee is talking about it for next year. Mrs. Pelletier also discussed if the dog park does not work out at the park and ride perhaps could use the Town Farm area if not used for staging storm debris and mentioned a free bicycle exchange being done in other cities, might be a good idea.

Celebrate Tiverton 2014 – Linda Larsen and Huck Little – Addition of Fireworks to Festival

Linda Larsen gave a brief update on Celebrate Tiverton 2014. Starting the process of doing preliminary planning, exploring the possibility of adding fireworks. Huck Little, small business owner, giving back to the community doing fund raisers. On October 26th there will be a nine hole scramble at Green Valley Country Club, cost \$50 after the tournament go back to Lil Bear for a meal and drink ticket, also having spaghetti suppers in the future.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

Public Hearing on Proposed Amendment to Article 5, Section 1, Note 1 of Zoning Ordinance to Include Open Space Zones Requested by Audubon Society of RI a. Planning Board Recommendation

Seth Handy, Counsel and Lawrence Taft, Executive Director from the Audubon Society of Rhode Island (ASRI) appeared before the Council on the Proposed Amendment to Article 5 of the Zoning Ordinance. Mr. Taft explained the ASRI has property in an Open Space zone which has a house on it. Looking to divest the house, will require a subdivision. Zoning restrictions don't apply to Open Space (OS), seeking to amend the Zoning law just by adding OS. The benefit to the Town, if sold, would be subject to taxation, would not allow for any change in the existing residence. T/ A Goncalo noted this was supported by the Planning Board (PB); this is the only open space property in Tiverton with a house. Attorney Handy explained the ASRI owns approximately 40 acres, looking to merge other lots in this refuge, seeking an administrative subdivision which would allow for the house, barn, septic system and well, the entire refuge remains as open space. Solicitor Teitz has reviewed, does support, explained, when this ordinance was written there was no provision for a house in an open space zone. Kate Michaud, PB Administrative Officer researched to look at other open space parcels, most have nothing. This is the only one with a residence. Councilor Pelletier questioned, if no process for dimension requirements in an open space zone, would it be set by default? Solicitor Teitz explained that would not be a good outcome, trying to make it compatible if you have another residence in another zone. As a default better to go to the nearest residential zone. Mr. Taft further explained the house is occupied by an employee of the Audubon Society, directly across the street is an R80 zone. President Roderick called for public comment three times, seeing none closed the Public Hearing on this issue.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the Proposed Amendment to Article 5, Section 1, Note 1 of the Zoning Ordinance to include Open Space zones as indicated in the Council packet as item B1. Solicitor Teitz requested the Council adopt the Planning Board recommendation as a Finding of Fact. Councilor Pelletier amended the motion, seconded by Councilor Gerlach to also adopt the Planning Board recommendation as shown in B1a as a Finding of Fact. Motion passed unanimously.

The Adopted Amendment was as follows: Article 5, Section 1, Note 1: For residences in a GC, W, **OS** or I District, the dimensional regulations of the nearest residential district shall apply.

Public Hearing for Proposed Ordinance Amendment – Chapter 47 -Foreclosed and Vacant Properties

a.Town Solicitor's Proposed Further Amendments for Presentation at Public Hearing

Solicitor Teitz was requested by the Town Administrator to prepare an ordinance to deal with foreclosed and vacant properties, both commercial and residential. Concerned about blight in the neighborhood, discourages investment. Currently under the health code, taking a proactive stance, is for property to be kept up and to find property owners. Provided a slightly updated version in B2a, small correction on page 2, corrected a typo on page 4 and changed the number of days a property inspection must be conducted. President Roderick opened the Public Hearing for comments. Roger Bennis, a Town resident, submitted a letter with an attached document of proposed changes. Suggested the title should not be Foreclosed and Vacant Properties, should be and/or to be inclusive. The words property and owners should be capitalized, on page 2, Section 47-2, Definitions, offered comments on definitions. Under Violations on page 3, added wording about notice being served and in Section 47-8, Maintenance and suggested changes about the notice being visible from the street. Believe these suggested changes are required to protect the interests of everyone concerned. Should not be all inclusive to define a set of property standards if the grass is more than 6 inches high should not be declared vacant.

Solicitor Teitz noted Mr. Bennis had some good comments. The Building Official already has power under State Law for health and safety. As to the notice on the building, may be seen as a scarlet letter. Councilor Pelletier noted foreclosure notices are posted with an agent's name can't be said for vacant properties. Councilor Gerlach noted the intent of the ordinance was so neighbors could have some recourse to file a complaint or raise an issue. T/A Goncalo cited a safety factor, if maintained to some level gives an indication of some kind of presence. President Roderick was concerned with Mr. Bennis adding the Town Council in the Abatement procedure section, could be a delay tactic, not in favor.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to continue the public portion of the Public Hearing on Foreclosed and Vacant Properties to the next meeting to allow Solicitor Teitz to further revise and if warranted bring back a revised ordinance. Discussion followed. Councilor Pelletier noted the reference by Mr. Bennis to thieves, vagrants and homeless, is in bad taste, offensive, request to amend those terminologies. Solicitor Teitz will clean up the language. Councilor Gerlach noted, very important to address here, questioned if there is a type of ordinance in the Town to address similar situations. Solicitor Teitz explained, various parts of the Code of Ordinances and Building Code talk about being habitable. Gareth Eames, Building and Zoning Official noted in 2013 closing of the latest code development cycle adopted, the property maintenance code addresses everything here, comprehensive for the State of RI. Councilor Pelletier requested a copy. Councilor Chabot questioned Chief Blakey on how vacant properties were identified, on safety issues, visibility issues or occurrences of fires on vacant properties. Chief Blakey explained there was a fire in the vacant house that was next to Family Ties, has since been torn down, safety is the priority. Councilor Chabot agreed with the idea, have issue with some of the impacts, has unintended consequences, this ordinance is too broad, infringes on property owners rights. Could be used by unhappy neighbors, would the ordinance apply in a FEMA event, could have unexpected life changes like a medical issue or have financial hardship. Need to think through more thoroughly. Solicitor Teitz will have a cleaner revision prior to the next meeting; will get a copy to Mr. Bennis. Motion passed unanimously.

TOWN COUNCIL SITTING AS BOARD OF LICENSING

1 - BOARD OF LICENSING - PUBLIC HEARINGS – ADVERTISED

A-Junkyard and Second Hand Dealer License Renewals December 1, 2013-November 30, 2014 – Subject To Meeting All Legal Requirements

1. Arnold's Auto Parts, 1484 Crandall Road

2. General Auto Recycling Inc., 384 King Road

3. Alan J. Lagasse, d/b/a Lagasse Salvage Yard, 20 Cory's Lane

4. Sanford & Son LTD, 104 Cynthia Avenue

5. South Shore Tiverton LLC., 413 Bulgarmarsh Road

6. Tiverton Auto Parts, Inc., 541 Bulgarmarsh Road

7. Tiverton Auto Parts, Inc., 533 Bulgarmarsh Road & Lot 116 Card 29

Town Clerk Nancy Mello noted Peter Moniz sent an email with comments on parked cars being a safety hazard at Tiverton Auto Parts on Fish and Bulgarmarsh Road. Chief Blakey had previously told them to move the cars, will look at again. Town Clerk noted no other issues at this time. President Roderick called for public comment 3 times, hearing none closed this portion of the public hearing. Councilor Gerlach questioned anything related to an environmental perspective like auto waste leakage. Solicitor Teitz explained that was covered under the Department of Environmental Management (DEM), watershed overlay.

Councilor Pelletier made a motion seconded by Councilor Chabot to approve the Junkyard and Second Hand Dealer License Renewals December 1, 2013 to November 30, 2014 subject to meeting all legal requirements. Motion passed unanimously.

B.Liquor License Renewals – Dec.1, 2013 to Nov. 30, 2014 – Subject To Meeting All Legal Requirements

CLASS A – Liquor Stores - (\$1000)

1. Chandri, Inc. d/b/a Tiverton Liquors, 65 Main Rd.
2. Nimraj, Inc. d/b/a Crossroad Liquors Inc. 1540 Bulgarmarsh Rd.
3. Smittom Inc. d/b/a Stone Bridge Liquors 2490 Main Rd.

President Roderick suggested taking the Liquor License renewals by each class. President Roderick called for public comment 3 times, there were no comments. Councilor Gerlach questioned the Clerk if all the licenses were good. Town Clerk Mello explained these licenses have a lot of requirements, by doing earlier gives them a chance to get everything together. Solicitor Teitz explained, the point of a public hearing is advertising so the public will know and come to comment.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the Class A Liquor License Renewals December 1, 2013 to November 30, 2014 for the 3 as listed, subject to meeting all legal requirements. Motion passed unanimously.

Solicitor Teitz requested pulling number 14, D&L Corp. separately from the other Class BV license renewals. Town Clerk Mello explained D&L was the old Buddy's restaurant, out of receivership a year ago, needs to be discussed separately.

14. D & L CORP. 180 Main Rd. (for 79 Main Rd.)

President Roderick called for comments on the D&L license renewal. Chief Blakey has checked all but two of the establishments, unable to contact two owners. Solicitor Teitz explained according to the State Department of Business Regulations, not supposed to sit on a license except if in litigation, this one was in receivership, suggest granting for only 3 months until March 2014. Town Clerk explained the owner did do a lot of renovations, had to wait for clearance from the Building Official, did submit a floor plan, cannot hold this license forever. Stone Bridge does not have a license, it was surrendered. The limit is 18, there are available licenses. Councilor Pelletier explained, a new applicant had requested an increase in the number of available licenses at that time, limit was increased by 2. Town Clerk added on a renewal does not have to notify abutters. Solicitor Teitz explained the Council can deny, renew with limits or continue to the next meeting. President Roderick suggested renewing until March 1st giving the applicant more time, request to appear at that time. President Roderick called for comments three times, seeing none closed this portion of the public hearing.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the BV Liquor License Renewal for D & L Corp., 180 Main Rd. (for 79 Main Rd.) from December 1, 2013 to March 1, 2014 subject to meeting all legal requirements. Motion passed unanimously.

CLASS BV– Full Liquor License - (\$800)

1. Silva Brothers Inc. d/b/a Barcello's Family Restaurant, 1214 Stafford Rd.
2. Spring Restaurant, Inc. 118-120 Main Rd
3. Le Moulin Rouge, Inc. 1403 Main Rd
4. Benjamin's Sports Pub, Inc. 4 Stafford Rd
5. Faithé J. Bortz d/b/a P. J's Café 301 State Ave.
6. Evelyn's Nanaquaket Drive-In, Inc. 2335 Main Rd.
7. Kfoury Inc. d/b/a Brantal's Restaurant, Banquet & Catering Facility, 91-97 Crandall.
8. The Boat House Restaurant, LLC, 227 Schooner Drive
9. Nonni's Inc. d/b/a Nonni's Kitchen & Pasta Shop 1154 Stafford Rd.
10. HUEJAN Inc. d/b/a Lil' Bear Sports Lounge 983 Main Rd.
11. Everett Lane Inc. d/b/a Family Ties Restaurant 221 Main Road
12. Atlantic Sports Pub, Inc. 70 Shove St.
13. Susan's Restaurant 13 Crandall Rd.
15. Black Goose Company d/b/a Black Goose Café 2160 Main Rd.
16. Millie Loo LLC d/b/a Bistro 520-524 Main Road

President Roderick questioned the name of Susan's Restaurant, should it be d/b/a Wally's Taphouse? Town Clerk Mello explained the license was still in the name of Susan's Restaurant. President Roderick called for comment from the public three times on the Class BV Liquor Licenses. There were no public comments.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the Renewal of Class BV, Full Liquor Licenses for the term from December 1, 2013 to November 30, 2014 subject to meeting all legal requirements. Councilor Gerlach amended the motion, seconded by Councilor Chabot for the list of the 15 remaining places of business. Motion passed unanimously.

CLASS BVL – Limited Liquor License (\$400.)

1. Classic Pizza Inc. 495 Main Rd.
2. Soule-Seabury Associates, Inc. d/b/a Four Corners Grill, 3841 Main Rd.
3. Fu Li Hua Corp. d/b/a Asian Gourmet 1715 Stafford Rd.

Continuing as the Board of Licensing President Roderick read the list of the Class BVL, Limited Liquor License renewals, called for comments from the public three times. There were no comments from the public.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the Renewal of the Class BVL, Limited Liquor Licenses for the three establishments as Council President Roderick mentioned for the term December 1, 2013 to November 30, 2014 subject to meeting all legal requirements. Motion passed unanimously.

CLASS BT – Bed and Tavern - (\$800)

1. Senior Lifestyle Sakonnet Bay LP, 1215 Main Rd.

Continuing as the Board of Licensing, President Roderick called for comments from the public three times. There were no comments from the public.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the Class BT, Bed and Tavern Liquor License for Senior Lifestyle Sakonnet Bay LP, subject to meeting all legal requirements. Motion passed unanimously.

CLASS D –Unlimited Club Licenses (\$200.)

1. Father Joseph Boehr Columbian Club, Inc. d/b/a Knights of Columbus, 28 Fish Rd.

2. Woodrow L. Silvia Post Home Association, Inc. 134 Shove St.
3. Bayview Holy Ghost Citizens Club, 66 Bottom St.

President Roderick called for comments from the public three times, requested Council comments. President Roderick questioned the Clerk, was this business still open? Town Clerk affirmed this was still open.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the Class D, Unlimited Club Licenses for the three listed, subject to meeting all legal requirements. Motion passed unanimously.

President Roderick closed the Public Hearings.

APPOINTMENTS & RESIGNATIONS:

Juvenile Hearing Board Re-Appointments

a.Eugene Raposa, 413 Hooper Street – Three Year Term Expiring 10/15/2016

Town Clerk Mello explained Mr. Raposa was unable to attend, is a reappointment. The background check for Mrs. Cook was in the Council packet, Chief Blakey handed the one for Mr. Raposa to the Clerk. Chief Blakey explained, do require background checks for this board, deals with sensitive information, there were no disqualifiers.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to Reappoint Eugene Raposa to the Juvenile Hearing Board for a three year term expiring 10/15/2016. Motion passed unanimously.

b.Donna Cook, 192 Hilton Street – 1st Alternate – One Year Term Expires 10/15/2014

Donna Cook moved up to 1st Alternate enjoyed serving on this board, was reapplying for reappointment.

Councilor Gerlach made a motion, seconded by Councilor Chabot to Reappoint Donna Cook as 1st Alternate to the Juvenile Hearing Board for a one year term expiring October 15, 2014. Motion passed unanimously.

UNFINISHED BUSINESS:

FINANCIAL BUSINESS:

NEW BUSINESS:

Town Administrator – Ratification of Executive Administrative Assistant Contract - 3Year Contract July 23, 2013 to July 22, 2016 – Mary Lou Sullivan

Administrator Goncalo requested Council ratification of the contract for the Executive Administrative Assistant Mary Lou Sullivan. Employed for over a year, adjusted well, makes contributions to the position, handles benefits, did well with issues, deals with complaints as well, is an asset to the Town and the Administrator's office. The contract is consistent with Town benefits, though not a union employee. Councilor Gerlach questioned why AFSCME was referenced under Health Insurance. T/A Goncalo explained everyone has the same health insurance with a high deductible. Councilor Pelletier suggested just referencing the name of the health insurance. President Roderick pointed out if the health contract is renegotiated then this contract would have to be as well. T/A Goncalo will amend the wording for the health insurance. Councilor Pelletier questioned the first line, with the starting date of July 2013, not signing the agreement in July, should be today's date October 15th.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the contract with the changes as described for the term of the agreement date, the health insurance reference change to HSA and deleting the reference to AFSCME. Motion passed unanimously.

DPW Director Stephen Berlucchi – Permission to Junk Six (6) Town Vehicles

T/A Goncalo explained this request, in the past just solicited bids, most got less than \$200. The DPW Director contacted three local salvage yards, one responded, will dispose for \$2,500, some not drivable. DPW Director Berlucchi explained none of the vehicles were drivable; most don't have tires or transmissions.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to permit DPW Director Berlucchi to junk 6 Town vehicles as illustrated in Council packet G2. Motion passed unanimously.

BIDS AND REQUESTS FOR PROPOSALS:

DPW Director Berlucchi – Request Bid Award of Contract for Guardrail Services to COSCO, Inc. Lowest Bidder at a Price of \$14,500

Director Berlucchi previously requested permission to seek bids for Guardrail Services, received all good bids, do not intend to use the entire amount, can repair hazardous areas. Prices were very compatible; funds are not coming out of paving.

Councilor Chabot made a motion, seconded by Councilor Arruda to Award the Contract for Guardrail Services to COSCO, Inc., to be used on an as needed basis not to exceed \$14,500. Motion passed unanimously.

Leroy Kendrick Chairman, Wastewater Management

a.Permission to Waive RFP for Professional Services to Create Tiverton Sewer District

Leroy Kendricks, Chairman, Wastewater Management requested Council approval to waive the formal bidding process for consultant to help draft enabling legislation for a Wastewater (WW) Sewer District. Steven Levy from Atlantic States is well qualified. The \$12,000 cost will come out of the WW budget.

Councilor Pelletier made a motion, seconded by Councilor Chabot to award Permission to Waive RFP for Professional Services to Create Tiverton Sewer District. Motion passed unanimously.

b.Award Contract for Professional Services to Atlantic States Rural Water & Wastewater Association of North Kingstown, RI Not to Exceed \$12,000

Councilor Pelletier made a motion, seconded by Councilor Chabot to award a Contract for Professional Services to Atlantic States Rural Water & Wastewater Association of North Kingstown, RI not to exceed \$12,000. Motion passed unanimously.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. Received a check from RI Resource Recovery for \$15,374. Have \$47,270 in the Recycling Account.
2. September recycling 167 tons vs 136 tons last year.

Councilor Gerlach questioned what the recycling money was used for, T/A Goncalo explained is used to improve and enhance recycling efforts, cannot be used for anything else. Looking to do something significant.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Pelletier plans to submit something on bike lanes for next meeting, requirements, bring awareness. Request the Solicitor, for the next meeting gather more information on the Police Pension Board, how it developed, what is required to be on that board and the Council authority. Recent opinion from RI Ethics may allow Councilor Pelletier be able to participate, helpful to have context if the Council is inclined to add another member. Councilor Chabot requested an update on Volunteer Appreciation Night. Town Clerk Mello sent out letters received some responses, getting together for October 25th at 6pm, Senior Center.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

Town of Tiverton v. James and Melissa Pelletier – Superior Court Decision

Solicitor Teitz, in the Council packet, provided a copy of the written Decision issued by Superior Court Judge Thunberg, concluded the Town had proved beyond a reasonable doubt that James and Melissa Pelletier have been illegally manufacturing compost in violation of the Zoning Ordinance. Judge Thunberg attached an earlier opinion regarding the Defendants' Motion to Dismiss and incorporated the findings. Requested the Judge schedule a hearing on the sentence, just received today a Motion for Judgment. Will be moving forward.

McLaughlin v. Town of Tiverton NC2011-535 – Superior Court Decision

Nothing in writing, the Judge gave a decision from the bench, the Town prevailed. The Zoning Board denied relief to Mr. McLaughlin on a garage built too close to the setbacks, upheld the Town Zoning ordinance, waiting for a transcript. This case was handled by Assistant Solicitor Gina DiCenso, have to submit an order to enter, request a hearing be scheduled on that order to get the garage moved, is a separate hearing.

Litigation – LAL Construction, Inc., et al (Site Ready) v. Town of Tiverton CA# 13-344M

Update and Discussion on Discovery

Solicitor Teitz made clear, if emails were sent to you by the Clerk or T/A, don't have to provide, are looking for other emails to another Council member or another individual. Don't necessarily disclose, review the documents to see if privileged and confidential. Provide privilege law not just giving documents; give a log with time and date, up to them to press further. Solicitor Teitz suggested giving them to the Clerk, they requested more time for discovery, have agreed. Have submitted so far over 2,000 pages, being handled by the Interlocal Trust. Has taken a lot of office time, thank everyone for the cooperation and assistance. Suggested sending through the Clerk in order to keep a record.

Discussion on Limits to Liquor Licenses

Solicitor Teitz explained the Town has a few more liquor licenses available for issue, does have limits as noted earlier. If a new business comes into Town and wants it raised, they petition the Town. Right now have a couple available, can leave this way. President Roderick recalled, being on the previous Council, the intent was to have a couple of licenses in abeyance in case a new business came to Town. Town Clerk Mello raised this issue, may want to consider limiting other types of licenses like a Class C. Receiving email from the Clerk's Association, in other communities is more of a bar license, just need a microwave or prepared food. Do not have any here, may want to consider limits. Solicitor Teitz explained, these have no limits, are in State Law, have to consider, can only deny. Would have to have a specific denial based on a specific application. President Roderick requested more information, a brief synopsis for the next meeting.

TOWN CLERK ANNOUNCEMENTS:

Agenda for October 17th Joint Workshop With Budget and School Committees

Town Clerk Mello provided the agenda for the Joint Workshop on Thursday, just a reminder, is at the High School library at 6:30 p.m. T/A Goncalo had nothing else to distribute for that workshop.

Scheduling of Joint Workshop With Planning Board Regarding Form Based Code

Town Clerk Mello had a request from Kate Michaud, Planning Board A/O to schedule a workshop with the PB on Form Based Code on Tuesday, November 19th at the Town Hall at 7:00 p.m.

CLOSED EXECUTIVE SESSION:

1. T/A–Personnel Performance–42-46-5(a) (1)–Thomas Blakey, Police Chief - Notice Given

2. T/A–Personnel Performance–42-46-5(a) (1)–Gareth Eames–Code Enforcement Officer – Notice Given

3. Town Solicitor – 42-46-5(a) (2) – Litigation Report

4. Town Solicitor – Litigation – 42-46-5(a) (2) – Tiverton v. Dadson Mobile Home Owners Association

Councilor Chabot made a motion, seconded by Councilor Pelletier to enter into Closed Executive Session pursuant to 42-46-5 (a)(1) - Town Administrator–Personnel Performance–Thomas Blakey, Police Chief - Notice Given. Motion passed unanimously.

Councilor Chabot made a motion, seconded by Councilor Pelletier to continue in Closed Executive Session pursuant to 42-46-5 (a)(1) - Town Administrator–Personnel Performance–Gareth Eames – Code Enforcement Officer - Notice Given. Motion passed unanimously.

Councilor Chabot made a motion seconded by Councilor Pelletier to continue in Closed Executive Session pursuant to 42-46-5 (a) (2) – Town Solicitor – Litigation Report. Motion passed unanimously.

Councilor Chabot made a motion, seconded by Councilor Pelletier to continue in Closed Executive Session pursuant to 42-46-5(a) (2) -Town Solicitor – Litigation – Tiverton v. Dadson Mobile Home Owners Association. Motion passed unanimously.

For the record both Chief Blakey and Gareth Eames have waived their right to public session.

The Council entered into Executive Session at approximately 9:25 p.m.

The Council returned to Open Session at approximately 10:40 p.m.

OPEN SESSION:

In Open Session President Roderick announced no formal action had been taken. Councilor Pelletier motioned, seconded by Councilor Chabot to seal the minutes of Closed Executive Session, passed unanimously.

ADJOURNMENT:

Councilor Pelletier motioned to adjourn, seconded by Councilor Chabot.

Council adjourned at approximately 10:45 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk